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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,209	10/16/2003	Mika Forssell	879A.0085.U1(US)	7142

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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,209

Applicant(s)

FORSSELL, MIKA

Examiner

Kevin Harper

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/04, 8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to because Fig. 1, items 12, 13 and 15 should be labeled additionally with descriptive text (37 C.F.R. 1.83(a); MPEP 608.02(b), Form Paragraph 6.22, Examiner Note #1). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8, 23-28, 43-48 and 63-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravishankar et al. (US 2003/0060210) in view of Puuskari et al. (US 2002/0032800).

2. Regarding claims 1, 23, 43 and 63, Ravishankar discloses a method comprising at a protocol layer receiving packet data from an upper protocol layer (figs. 2a and 2b; para. 4; note: applications in the application layer; para. 5; para. 36, lines 1-5; paras. 55 and 63) belonging to PDP contexts (figs. 3d and 3e; note: VOIP session and data session) and delivering the packet data from the layer (fig. 3d and 3e, steps 356 and 370). Further regarding claim 23, the method is performed by a mobile station having a controller (para. 73) and a layered transmission protocol arrangement (figs. 2a and 2b).

3. However, Ravishankar does not disclose reordering the packet data. Puuskari discloses reordering packet data (para. 49). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to reorder data in the invention of Ravishankar in order to schedule data according to priority or QoS (Puuskari, paras. 2-12 and 49).

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4. Regarding claims 2-4, 24, 44 and 64, activation PDP contexts are provided (fig. 3a, step 302) using TBFs (para. 7) to provide a requested QoS.

5. Regarding claims 5-8, 25-28, 45-48 and 65-68, some of the limitations of these claims has been addressed in the rejection of claims 2-4 above. However, Ravishankar does not disclose determining if packets are received in-sequence. Although, Ravishankar discloses that packets have a sequence number (para. 66). Further, one skilled in the art would recognize that RTP packets are reordered. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to check the sequence of packets in the invention of Ravishankar in order to transmit the packets in their proper sequence as is known in the art.

Claims 9-22, 29-42, 49-62 and 69-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravishankar in view of Puuskari as applied to claim 8 above, and further in view of Yang et al. (US 6,996,061).

6. Regarding claim 9, 29, 49 and 69, Ravishankar does not disclose buffering data to be scheduled. Yang discloses buffers for holding data to be scheduled (fig. 4). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a buffer to hold data to be scheduled in the invention of Ravishankar in order to accept data and temporarily prevent the transmission of the data as is known in the art.

7. Regarding claims 10-22, 30-42, 50-62 and 70-82, the system is standardized GPRS having standardized LLC and/or RLC data units associated with a standardized GMM unit (fig. 2a), where the standards includes SAPI information and where the transmission modes include ACK and UNACK (fig. 3c, step 342).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kevin C. Harper

June 24, 2007